

REMARKS

Claims 1, 3 and 7 are pending in this application. Claims 1 and 3 have been amended and claims 2, 4 and 6 cancelled. Care has been exercised to avoid the introduction of new matter. Indeed, by the present Amendment, the limitations of claim 2 have been incorporated into claim 1, claim 2 cancelled, and a formalistic change implemented in claim 3. Applicants submit that the present Amendment does not generate any new matter issue.

Claim 2 was rejected under the first paragraph of 35 U.S.C. §112 for lack of adequate descriptive support.

In the statement of the rejection, the Examiner asserted that the originally filed disclosure does not provide adequate descriptive support for a semiconductor device having a plurality of surface insulating films, of different thicknesses, in both the active region and on the interior surface of said at least one trench in the second portion together. This rejection is traversed.

Specifically, claim 2 has been cancelled. The limitations of claim 2 which have been incorporated into claim 1 excludes the requirement for having a plurality of surface insulating films at different thicknesses formed in both the active region and on the trench in the second portion.

Applicants, therefore, submit that the imposed rejection of claim 2 is not viable and, hence, solicit withdrawal thereof.

Claim 3 is rejected under the second paragraph of 35 U.S.C. §112.

In the statement of the rejection, the Examiner identified a perceived antecedent basis issue. This rejection is traversed.

Applicant submits that by incorporating the limitations from claim 2 into claim 1, and by the present amendment to claim 3, the identified basis for the imposed rejection under the second paragraph of 35 U.S.C. §112 has been overcome. Applicants, therefore, submit that the imposed rejection of claim 3 under the second paragraph of 35 U.S.C. §112 is not viable and, hence, solicit withdrawal thereof.

Claims 4 and 6 were rejected under 35 U.S.C. §102 for lack of novelty as evidenced by Lowrey.

This rejection is traversed.

Indeed, this rejection has been rendered moot by cancelling claims 4 and 6.

Claim 1 was rejected under 35 U.S.C. §103 for obviousness predicated upon Lowrey et al.

This rejection is traversed.

Indeed, this rejection has been rendered moot by incorporating the limitations of claim 2 into claim 1, claim 2 not being subject to this rejection.

Applicants, therefore, submit that the imposed rejection of claim 1 under 35 U.S.C. §103 for obviousness predicated upon Lowrey et al. is not viable and, hence, solicit withdrawal thereof.


Applicants acknowledge, with appreciation, the Examiner's allowance of claim 7.

Based upon the foregoing, Applicants submit that the imposed rejections have been overcome and that the imposed rejections have been overcome and that all active claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT, WILL & EMERY


Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 AJS:ntb
Facsimile: (202) 756-8087
Date: November 7, 2003